

PATENT
Customer No. 22,852
Attorney Docket No. 10142.0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Evy LUNDGREN-AKERLUND) Group Art Unit: 1644
Application No.: 10/517,421) Examiner: Maher M. Haddad
Filed: June 13, 2005) Confirmation No.: 5691
For: METHODS AND USES OF THE)
INTEGRIN ALPHA 10 CHAIN,)
FOR PREVENTING)
PROGRESSION OF)
ATHEROSCLEROSIS PLAQUE)
FORMATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action dated August 8, 2006, the time for reply being extended one month to October 8, 2006, by the extension of time filed herewith, the Examiner required restriction under 35 U.S.C. §§ 121 between six groups:

Group I - Claims 1-4, 13-15, 19 and 22, drawn to a method for slowing or arresting the progression and/or effecting regression of or treating atherosclerotic plaque comprising administering a binding agent specific for integrin alpha 10;

Group II - Claims 1-3 and 13-15, drawn to a method for slowing or arresting the progression and/or effecting regression of or treating atherosclerotic plaque comprising administering a nucleic acid encoding integrin alpha 10;

Group III - Claims 6, 8 and 20, drawn to a method for diagnosing a mammal comprising determining the amount of integrin alpha 10 chain *in vivo*;

Group IV - Claims 7, 8 and 20, drawn to a method for diagnosing a mammal comprising determining the amount of integrin alpha 10 chain *in vitro*;

Group V - Claims 9-12, 17, 21, 23 and 24, drawn to a method for detecting atherosclerotic plaque; and

Group VI - Claim 16, drawn to a method for preparation of a composition for the treatment of atherosclerosis.

According to Office, Groups I-VI are different methods that differ with respect to ingredients, steps and endpoints, and therefore restriction of the invention to one of the six listed groups is required under 35 U.S.C. § 121. Office Action, page 3. Applicant respectfully traverses.

The instant application is a national stage filing under 35 U.S.C. § 371 and thus unity of invention practice applies to the application. To satisfy unity of invention, the claims must be united by a single inventive concept that contributes a special technical feature to the art. The claims of the instant application are all united by the single inventive concept of the use of integrin alpha 10 chain in the detection or treatment of atherosclerosis. This inventive concept is a special technical feature that is unique to the art. Accordingly, consistent with the international examination of this application, which did not reject the instant claims for lack of unity of invention, restriction is improper.

Applicant also refers the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for Examiners to follow in making proper requirements for restriction.

The M.P.E.P. instructs the Examiner as follows:

If the search and examination of an entire application can be made without serious burden, the Office must examine it on the merits, even though it includes claims to distinct or independent inventions.

M.P.E.P. § 803 (emphasis added). In the instant case, the Examiner has not demonstrated that examining Groups I-VI together would constitute a serious burden. Accordingly, Applicant requests that the restriction requirement be withdrawn. However, to be fully responsive, Applicant provisionally elects to prosecute Group V, claims 9-12, 17, 21, 23 and 24.

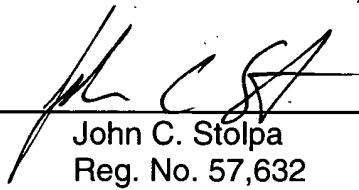
If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, the Examiner is invited to call the undersigned at (202) 408-4442.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 22, 2006

By: 

John C. Stolpa
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